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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of:

Redevelopment of Spectrum to  
Encourage Innovation in the  
Use of New Telecommunications  
Technologies

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ET Docket NO. 92-9

Federal Communications Commission  
Office of the Secretary

ORIGINAL  
FILE

REPLY COMMENTS OF TELOCATOR

Telocator, the Personal Communications Industry Association ("Telocator"), herewith submits its reply to comments filed in the above-captioned docket. Telocator's original comments in this docket advanced ten principles to govern the process of freeing spectrum promptly for new emerging technologies. The comments filed in response to the Commission's Notice illustrate the wisdom of the balance struck by Telocator's consensus positions, which were developed jointly by members anxious to deploy emerging PCS systems and members that are existing microwave users. As discussed below, Telocator's plan offers fairness to both new entrants and existing users of the band and provides a sound regulatory foundation for spectrum reallocation policies.

TELOCATOR'S CONSENSUS PRINCIPLES STRIKE AN APPROPRIATE AND  
WORKABLE BALANCE BETWEEN THE SPECTRUM NEEDS OF NEW USERS AND  
THE INTERESTS OF INCUMBENT 2 GHz USERS

The critical dilemma in this proceeding is how to make available additional spectrum necessary to spur the introduction of important new services while respecting the legitimate

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interests of existing users of the 2 GHz band. As evidenced by the comments in this proceeding, the consensus positions developed by Telocator's members, representing both PCS proponents and heavy users of the 2 GHz band, reflect and balance the interests of all parties involved in this proceeding in a uniquely impartial manner. As such, Telocator's principles for guiding reallocation of emerging technology spectrum provide a sound foundation for Commission action in developing policies for emerging technologies.<sup>1</sup>

Telocator's consensus position detailed a number of principles to guide the accommodation of existing microwave users and the introduction of new services. The comments of the parties to this proceeding demonstrate the wisdom of Telocator's approach. Briefly, Telocator's principles include:

- A Safety Net Must Be Provided for Existing Users of the "Emerging Technologies" Band. As noted by Telocator and others, a relocation plan that is based on the general premise that equivalent facilities will be available in higher bands or through alternative media must recognize that cases will exist where such relocation is impossible or highly impractical. Thus, no microwave operations should be discontinued if alternative facilities are not available that afford satisfactory technical performance.<sup>2</sup>

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<sup>1</sup> As recognized by Telocator and others, additional actions ultimately will also be necessary in a relocation action, including addressing microwave compatibility issues raised by UTC in its Amendment of Parts 2, 21, and 94 to Accommodate Private Microwave Systems in the 1.71-1.85 GHz Band and in Bands Above 3 GHz, RM-7981 (filed March 31, 1992). See, e.g., GTE Service Corporation Comments at 9-11; MCI Comments at 2; Personal Communications Network Services of New York, Inc. Comments at 21.

<sup>2</sup> Telocator Comments at 4-5; see e.g. American Association of State Highway and Transportation Officials Comments at 3; Comsearch Comments at 11; GTE Service Corporation Comments at 12-15; Millicom, Inc. Comments at 2; Pacific Telesis Group Comments at 17-18; Time Warner Telecommunications, Inc. Comments at 11-14; United Telephone Companies Comments at 5-6.

- A Transition Plan Framework Should Be Utilized. Telocator suggested a plan for transitioning existing users out of the 2 GHz plan that would require a new technology proponent to notify an incumbent licensee that relocation was requested, and, upon demand, provide the incumbent user with a plan detailing the engineering, economic, regulatory, and timing considerations involved in a proposed relocation.<sup>3</sup>
- Sliding Extensions of Current Users' Co-Primary Status Should Be Provided Where There Is No Initial Interest in "Emerging Technologies" Deployment. Telocator and others have advocated a sliding extension of co-primary status to ensure existing microwave users a minimum period in which to negotiate any request for relocation. This sliding extension recognizes and mitigates the potential inequities that could result from a microwave user being requested to relocate near the end of a grandfather period.<sup>4</sup>
- Government Spectrum at 1710-1850 MHz Should Be Considered on a Priority Basis. As recognized by Telocator and an overwhelming number of other commenters, the government microwave spectrum immediately below the identified "emerging technologies" band could substantially alleviate many of the difficulties posed by attempting to accommodate new technologies by providing additional spectrum for relocation of existing microwave users. Telocator and others believe that use of such spectrum should be vigorously pursued.<sup>5</sup>
- There Should Be Equal Treatment of All Existing Users in the 2 GHz Band. As noted by Telocator and others in this proceeding, cellular and paging entities are engaged in important, productive, and spectrally efficient use of the 2 GHz band. In such respects, no users of the 2 GHz bands

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<sup>3</sup> Telocator Comments at 6-8; see e.g. Centel Comments at 11-13; Millicom, Inc. Comments at 2; Pacific Telesis Group Comments at 14-16; Telesciences Comments at 16.

<sup>4</sup> Telocator Comments at 8-9; see e.g. Millicom Comments at 2-3; National Telecommunication and Information Administration Comments at 16.

<sup>5</sup> Telocator Comments at 9-10; see e.g. Associated PCN Corporation Comments at 10; Advanced Mobilecomm Comments at 5 n7; ALLTEL Companies Comments at 5-6; Century Telephone Enterprises, Inc. Comments at 12-13; American Gas Association Comments at 9; American Petroleum Institute Comments at 12-14; American Association of Railroads Comments at 16-21; Edison Electric Institute Comments at 11-12; MCI Comments at 6-7; NYNEX Comments at 3-4; OPASTCO Comments at 7-8; Rolm Comments at 20-23; Southwestern Bell Telephone Comments at 13-14; United Telephone Companies Comments at 3-4; Utilities Telecommunication Council Comments at 63-68.

should be singled out for different treatment in terms of rights or protections.<sup>6</sup>

- Spectrum Sharing Is a Technique for Rapid Introduction of PCS in the United States. Telocator's comments, and many other comments, recognize that spectrum sharing holds the promise of optimally accommodating the interests of all parties to this proceeding. In such respects, sharing must be considered a priority.<sup>7</sup>
- Microwave and "Emerging Technologies" Licensees Should Be Free To Negotiate Mutually Acceptable Agreements. If relocation is to occur, parties have agreed that Commission policies should favor voluntary negotiated settlements between microwave users and new technology licensees.<sup>8</sup>
- Tax Certificates Would Encourage Accommodation of "Emerging Technologies" Services. As recognized by Telocator and others, negotiation of mutually acceptable settlements between new and existing users would be facilitated by the award of tax certificates by the Commission.<sup>9</sup>
- Special Concerns Are Raised in Frequencies Above 2110 MHz. Because the narrowband microwave frequencies above 2110 MHz are more densely populated, exhibit a higher growth rate, and typically use newer equipment, care must be exercised to

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<sup>6</sup> Telocator Comments at 10-11; see e.g. AMSC Subsidiary Corporation Comments at 9; Apple Computer, Inc. Comments at 3; AT&T Comments at 13-14; GTE Service Corporation Comments at 12-15; Pacific Telesis Group Comments at 18-19; American Association of Railroads Comments at 27-31; Utilities Telecommunications Council Comments at 74-76

<sup>7</sup> Telocator Comments at 11-12; see e.g. American Association of State Highway and Transportation Officials Comments at 3; Ameritech Comments at 10-11; Associated PCN Corporation Comments at 3-7; Centel Comments at 16-17; Edison Electric Institute Comments at 19-20; Impulse Telecommunications Corporation Comments at 2-3; McCaw Cellular Communications, Inc. Comments at 20-25; Millicom Comments at 3-5; Pacific Telesis Group Comments at 8-11; SCS Mobilecomm, Inc. Comments at 6, 18; Omnipoint, Oracle & McCaw Comments at 2-4; Southwestern Bell Comments at 3-4.

<sup>8</sup> Telocator Comments at 12; see e.g. American Gas Association Comments at 9; Ameritech Comments at 7; AT&T Comments at 5, 12-12; CTIA Comments at 4-5; Impulse Telecommunications Corporation Comments at 2-3; McCaw Comments at 38-39; National Telecommunications and Information Administration Comments at 8-10; Personal Communications Network Services of New York Comments at 8-11; Public Power Council Comments at 3; Southwestern Bell Comments at 21-23.

<sup>9</sup> Telocator Comments at 12-13; see e.g. APC Comments at 20-21; Comsearch Comments at 8-9; CTIA Comments at 5; Edison Electric Institute Comments at 23-24; GTE Service Corporation Comments at 21-22; NYNEX Comments at 6; OPASTCO Comments at 9; Pacific Telesis Comments at 19-20; Southwestern Bell Comments at 23-25; US West Comments at 14-15.

ensure that implementation decisions for "emerging technologies" fully address the technical and cost issues associated with use of the microwave bands above 2110 MHz.<sup>10</sup>

- Non-Licensed Uses of the Spectrum Raise Issues Warranting Special Consideration. As numerous commenters have noted, non-licensed "Part 16" offerings will be an important and integral part of the PCS family of services. Non-licensed use of the band should thus be fostered, and the industry should be encouraged to develop mechanisms that fully address the unique interference and compensation issues arising from Part 16 operations.<sup>11</sup>

By adopting these principles, Telocator believes the Commission will be able to craft a relocation policy that fairly recognizes the legitimate interests of all parties.

#### I. CONCLUSION

The Commission's Notice recognizes that reallocation of spectrum for new "emerging technologies" is a necessary and important step in the deployment of needed new services. Importantly, however, the Notice also appropriately reflects a need to accommodate the existing operations in the 2 GHz band. As a consensus position developed by both existing users and proponents of new services, Telocator's principles accomplish

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<sup>10</sup> Telocator Comments at 13-14; see e.g. IEEE-USA Comments at 2-4; McCaw Comments at 25-37; Pacific Telesis Group Comments at 2-3; Southwestern Bell Comments at 20-21.

<sup>11</sup> Telocator Comments at 14; see e.g. APC Comments at 6; Apple Computer, Inc. Comments at 4-5; Hewlett Packard Comments at 4; IEEE-802 Comments at 5-6; North American Telecommunications Association Comments at 7; Northern Telecom Comments at 11-12.

these twin goals, and thus would serve as a sound foundation for Commission policies on relocation.

Respectfully submitted,

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